

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 17, 2003

Agenda ID #2086

TO: PARTIES OF RECORD IN APPLICATION (A.) 01-09-024 AND A.01-10-005

This is the draft decision of Administrative Law Judge (ALJ) Brown. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief
Administrative Law Judge

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Attachment

Decision **DRAFT DECISION OF ALJ BROWN** (Mailed 4/17/2003)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Southern California Gas Company (U 904 G) For Authority to Revise its Rates Effective January 1, 2003, in its Biennial Cost Allocation Proceeding.

Application 01-09-024
(Filed September 21, 2001)

In the Matter of the Application of San Diego Gas & Electric Company (U 902 G) For Authority to Revise its Gas Rates Effective January 1, 2003, in its Biennial Cost Allocation Proceeding.

Application 01-10-005
(Filed October 5, 2001)

**OPINION GRANTING MOTION OF SOUTHERN CALIFORNIA GAS COMPANY
AND SAN DIEGO GAS & ELECTIC COMPANY TO DISMISS THE
COMPANIES' BIENNIAL COST ALLOCATION PROCEEDINGS
APPLICATIONS (A.) 01-09-024 AND A.01-190-005**

Summary

This decision grants the motion of Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) to dismiss the Companies' Biennial Cost Allocation Proceedings (BCAP), A.01-09-024 and A.02-10-005. SoCalGas will file a new BCAP application on September 3, 2003, and SDG&E will file its new BCAP application on September 17, 2003.

Background

On September 21, 2001, SoCalGas filed its BCAP application, and SDG&E followed suit and filed its BCAP application on October 5, 2001. These combined BCAP applications were delayed numerous times due to requests by The Office Of Ratepayer Advocates (ORA), and were scheduled to proceed in March of

2003. SoCalGas, SDG&E, and ORA requested one further deferral of the BCAP proceedings, and on February 20, 2003, the assigned Administrative Law Judge (ALJ) issued a ruling granting the deferral until September 2003. As an adjunct to the deferral ruling, the ALJ also directed SoCalGas and SDG&E to file a motion to dismiss their applications filed in 2001. On February 21, 2003, the utilities filed the motion as directed.

Discussion

By the time SoCalGas and SDG&E file their new applications in September 2003, two years will have passed since they filed their initial applications in September and October of 2001. With that passage of time, it makes more sense to dismiss the old applications, and proceed with the new filings that reflect updated facts and forecasts as of the September 2003 filing dates.

Comments on Draft Decision

The draft decision of ALJ Carol Brown in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the rules of Practice and Procedure. Comments were filed on _____.

Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Carol Brown is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Since SoCalGas and SDG&E filed their respective BCAP applications in September and October 2001, numerous requests for deferral of the proceedings were granted, including a recent motion asking for the proceedings to be continued to September 2003.

2. A.01-09-024 and A.01-10-005 are no longer up-to-date, and new applications will be filed by SoCalGas and SDG&E in September 2003.

3. A.01-09-024 and A.01-10-005 should be dismissed, and the applications filed in September 2003 will receive new proceeding numbers.

Conclusions of Law

1. The passage of time renders the 2001 applications stale.

2. It is reasonable and promotes efficient use of the parties' and the Commission's resources and time to dismiss the existing proceedings and process the new applications to be filed in September 2003 that will reflect updated facts and forecasts.

3. This decision should be effective today so that these proceedings may be closed expeditiously.

O R D E R

IT IS ORDERED that:

1. Southern California Gas Company's Biennial Cost Allocation Proceeding (BCAP), Application (A.) 01-09-024, is dismissed, without prejudice.

2. San Diego Gas & Electric Company's BCAP, A.01-10-005, is dismissed, without prejudice.

3. These proceedings are closed.

This order is effective today.

Dated _____, at San Francisco, California.